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Veröffentlichungsversion / Published Version  
Zeitschriftenartikel / journal article

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#### Empfohlene Zitierung / Suggested Citation:

Melber, H., & Saunders, C. (2007). Conflict mediation in decolonisation: Namibia's transition to independence. *Afrika Spectrum*, 42(1), 73-94. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-105406>

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Henning Melber / Christopher Saunders

## Conflict mediation in decolonisation: Namibia's transition to independence

### *Summary*

A long conflict in Namibia was resolved successfully by a mediation process that enabled a *de facto* colony to become a sovereign state via an internationally supervised election. This article reconsiders the relationship between conflict mediation and decolonisation in this particular case, which, while in many ways *sui generis*, nevertheless permits us to extract some general lessons. We show how case confidence-building measures were applied, how mediating agencies used different pressures, and how important it was that all the parties to the conflict 'owned' the process.

### *Keywords*

*Namibia, independence, conflict mediation, decolonisation*

This case study re-assesses how conflict was mediated in Namibia, in a particularly complex milieu, and ends by drawing some lessons for current debates on conflict mediation approaches.<sup>1</sup> It has been argued that the way in which the conflict was resolved in Namibia had an 'almost textbook outcome', which 'fitted with a wider international optimism grounded in the end of the cold war and a culture of democratic change' (Macqueen 2002: 107). In this case, the conflict was not between internal forces, but between a neighbouring colonial power that occupied the territory and a liberation movement representing the colonised majority. The mediating agencies operated externally in the negotiating process and based their mandate and legitimacy either on the United Nations (UN) system – for Namibia's decolonisation involved UN intervention on the basis of the special status of the territory both historically and from the point of view of international law

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1 The paper emerged from a project on 'Mediation in African civil wars', initiated by the University of Cape Town-based Centre for Conflict Resolution (CCR). We thank participants in a seminar at the CCR, especially Laurie Nathan and Guy Lamb, as well as Nina Klinge-Nygård, David Simon and finally two reviewers for their inputs while preparing and finalising the text for publication. All errors remain our responsibility.

– or on direct involvement in the local (Namibian) and regional (southern African) dimension of the conflict.

For this analysis we use diverse sources on the negotiations by the Western Contact Group (WCG) and the subsequent implementation of UN Security Council (SC) Resolution 435 (1978) to explore the extent to which the negotiations were guided by confidence-building initiatives and/or coercive measures. Some of the sources we draw upon have not been used before, such as interviews with key insiders and participants in the process and material in the archives of the South African government, especially the minutes of the State Security Council, the most important decision-making body in the state for most of the period covered,<sup>2</sup> and the records of the Department of Foreign Affairs (DFA) in Pretoria.<sup>3</sup>

## A trust betrayed

Most parts of the territory known today as the Republic of Namibia were declared a protectorate of imperial Germany in 1884. ‘German South West Africa’ was shaped by violent means into a settler-dominated society, which established strict racial segregation with lasting effects far beyond the period of German rule. After World War I the territory was declared a C-class mandate under the League of Nations and ruled on behalf of the British crown by next-door South Africa. With the collapse of the League at the end of the Second World War and the establishment of the UN, a long dispute with South Africa began over the fate of the country, administrative and legal responsibilities, and its future course in terms of international law and self-determination. The ‘wind of change’ blowing from the late 1950s resulted in the decolonisation of most African countries; once independent and members of the UN, they influenced international policy. The establishment of the Organisation of African Unity and the Non-Aligned Movement in the early 1960s helped shift the policy debate, including the right to self-determination. Namibian independence became a global concern (Singham and Hume: 1986).

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2 The copy of these minutes that was consulted remains at the time of writing in private hands, but it is hoped that it will soon be deposited in the South African History Archive at the University of the Witwatersrand.

3 Saunders consulted the archival material, cited here as SSC and DFA; Melber interviewed Ahtisaari (30 January 2002 in Helsinki) and Vergau (22 March 2002 in Berlin). Others whom we would have liked to interview were not willing to talk. The ‘memory literature’ – Crocker (1992), Nujoma (2001), Vance (1983) and to a lesser extent Vergau (2002a, 2002b, 2006) reflects ambivalences and contradictions, as does the partial and selective recollection of events documented in Weiland and Braham (1994).

As the dispute over the territory escalated into open conflict, the UN came to accept Namibia as a special responsibility, and the General Assembly and then the Security Council took up the matter. A UN Council for Namibia was established,<sup>4</sup> and after that the UN Institute for Namibia in Lusaka, Zambia. The liberation movement established in the late 1950s and known from 1960 as the South West Africa People's Organisation (SWAPO) was ultimately acknowledged by the General Assembly as the 'sole and authentic representative of the Namibian people',<sup>5</sup> because it alone was conducting an armed struggle, and it obtained observer status at the UN. But the transition process to Namibian independence was deeply affected by superpower rivalry in the context of the Cold War. Decolonisation was blocked until the late 1980s, when Resolution 435 (1978) was finally implemented more than a decade after its adoption. For the two decades between the mid-1960s and the late 1980s one can speak of 'war without victory, negotiations without resolution' (Green 1995). On 21 March 1990 more than a hundred years of foreign occupation were finally brought to an end.

From soon after it came into existence until Namibia became independent, the UN played a crucial if not decisive role in relation to the territory (Melber 2004). A high point was the establishment of the UN Transitional Assistance Group (UNTAG) in 1978 with supervisory powers for the transition of Namibia towards internationally accepted independence as a sovereign state under Resolution 435. But while the UN system was a midwife to the independent Namibian state, UN positions and policies on Namibia were represented in different ways, be it through support to SWAPO expressed in General Assembly resolutions, the role assumed by the UN Council for Namibia, or the positions taken in Security Council resolutions. The UN was more than a conflict mediator and power-broker, seeking to reconcile the various interests operating within its own structures. There was no one binding position on the Namibia conflict after it emerged on the agenda of UN bodies. The UN created different platforms to negotiate the decolonisation process and secure its implementation in the decades after South Africa's presence in the territory was declared illegal.

The WCG, composed of the then five Western member countries of the Security Council, devised the plan for a transition to independence embodied in Resolution 435. Despite differences on how to approach a lasting and acceptable solution to the problem of the 'trust betrayed' and setbacks and much scepticism during the course of its work, the WCG succeeded in producing the guiding framework for Namibia's transition to independence,

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4 This was subsequent to UNGA Resolution 2145 (XXI) of 19 May 1967, which created an entity representing the interests of the Namibian people within the UN agencies.

5 UNGA Resolutions 3111 of 12 December 1973 and 31/146 of 20 December 1976.

and the WCG initiative ultimately paved the way for the settlement of the dispute. The failure to implement Resolution 435 for a decade was in part the result of an evasive approach by South Africa and the West that sought to protect South African and Western interests instead of confronting the continued illegal occupation of Namibia as a breach of international law.

## Negotiated decolonisation: framework and result

SWAPO's armed liberation struggle, launched in 1966, though not the decisive factor in the achievement of independence, had a major impact on the course of decolonisation (Brown 1995, Lamb 1998). Even Dirk Mudge, the chairman of the main internal party, the Democratic Turnhalle Alliance (DTA), conceded in 1995 that 'if there were no armed struggle, maybe nothing would have happened' (Sellström 1999: 81). Namibian independence, when it came, was above all an achievement of the international community, which, as the Cold War was winding down, managed to conclude successfully lengthy and complicated diplomatic negotiations that had long been dominated by the strategic interests of the two dominant power blocks. The internationally negotiated settlement resulted in a by-and-large peaceful transition to independence with a decisive degree of UN involvement. This paved the way for a government led by the liberation movement SWAPO to take power.

The mandate implemented by UNTAG under Resolution 435 provided for the supervision of free and fair general elections for a Constituent Assembly under a transitional authority composed jointly by the South African Administrator-General and the UN Special Representative. Those competing for political power did not operate on a level playing field: those who had served in the South African-backed Interim Government could operate with the massive material support from the *de facto* still existing colonial authorities; SWAPO enjoyed the privilege and strategic advantage of being the only recognized representative of the Namibian people internationally. The possibility of meaningful support for forces not aligned to the two sides was essentially eliminated by the constraints imposed from the time increased polarisation emerged in the 1970s.

Martti Ahtisaari, the UN Special Representative,<sup>6</sup> has drawn attention to the problems involved in the selective and exclusive recognition of liberation movements:

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6 Ahtisaari was UN Commissioner for Namibia until appointed in 1978 by the Secretary-General as Special Representative for Namibia. In charge of the UN Transitional Assistance

I don't think it was the most democratic way of going about it but I think the justification for that was to concentrate the efforts *vis-à-vis* the occupying power. That was the fact which we had to deal with. But it obviously didn't make life easier ... in the end, I think, the mere armed struggle would never have solved the problem; and if you go for a democratic solution, then you have to give everybody the chance to participate and agree to conditions so that they would be starting on a fairly equal basis (Soiri and Peltola 1999: 185).

Political forces not affiliated to SWAPO 'were eliminated from that political opportunity and that of course diminished plurality and complicated matters' (ibid.).

The UN was more a power broker in the transition to internationally accepted independence as the solution to the Namibia conflict than an agency promoting a particular requirement or option beyond the aspired state sovereignty. That the transition took place via a free and fair election provided the necessary legitimacy to the outcome and contributed decisively to general acceptance of it. To that extent, democracy in practice offered some essential ingredients to the success of the decolonisation process. But the Namibian independence process was first and foremost an internationally supervised and legitimated transfer of political power. That the political power exercised should meet, by and large, the definitions and expectations of a democratic political system was a desired result but not the main goal. Logically, the democratically elected representatives of the Namibian population should have had the discretion and power to decide the character of the political system. However, as a study based on several fact-finding missions to Namibia during March to November 1989 concluded, the UN succeeded in redirecting a profound (also military) conflict into electoral competition and provided a democratically oriented solution. The settlement plan, then, was 'not just a device for instituting independence; it also helped Namibians develop a democratic system of government, where meaningful elections are held periodically and where human rights are generally respected' (National Democratic Institute 1990: 84).

In the following section we explore in more detail the background, effects and results of the negotiated settlement initiated by the WCG and we assess the different tactics and strategies applied in the negotiation process, with particular reference to conflict mediation.

## The WCG and Security Council resolution 435 of 1978

Between January 1977 and December 1978 the Federal Republic of Germany (FRG) assumed for the first time a temporary seat in the UN Security Council.<sup>7</sup> With Canada, another elected member, and the permanent Western member states (US, UK and France), the five consulted informally as a routine matter with each other concerning positions on relevant issues. As a result of an initiative by the African states, the first Security Council debate of the year concerned South Africa. Four draft resolutions circulated, demanding that sanctions be imposed on the apartheid regime. This was unacceptable to the Western countries. In early March 1977, meetings between the representatives of the five Western countries explored how to convince the African states not to pursue a confrontational line but instead to agree on a joint declaration of principles. This was in line with a previous reassessment of positions on Namibia<sup>8</sup> and an earlier policy concession: afraid of being isolated on the Namibia issue, the Western powers had supported Security Council Resolution 385 in January 1976 which demanded the withdrawal of South Africa from the occupied territory and UN supervised and controlled elections. Not only did the FRG have a specific interest in contributing to a solution of the Namibian issue, so too had – for reasons related to the ongoing negotiations concerning Rhodesia/Zimbabwe – the British Foreign Office, which rejected alignment with either white settler power or radical black nationalism (Rich 1988, Saunders 2003). In David Owen, the Labour government's Foreign Secretary, and Genscher, the West German Foreign Minister, the initiative had strong personal advocates. So the notion of a 'contact group' initiated by and centred around the five Western states

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7 The FRG and GDR (German Democratic Republic), admitted as members of the UN in 1973, were in competition to secure a recognized status in international policy matters but shared a special affinity to Namibia for the same historical but different contemporary political reasons. The FRG (and in particular leading members of its conservative parties) retained a strong emotional and ideological affinity to the former colony and cultivated personal ties to members of the German-speaking minority there. This relationship was not entirely free from economic influence and interest (Melber and Wellmer 1988). The GDR pursued political and practical international solidarity through direct support to the liberation struggle by SWAPO (Engel and Schleicher 1998: 259-336; Schleicher and Schleicher 1998). On the role of the solidarity movement in the FRG with particular reference to Southern Africa see Kössler and Melber (2002).

8 Du Pisani maintains that as early as 1974 'the West made the decolonization of Namibia under UN auspices one of its preconditions for continued cordial external relations with South Africa' (1986: 280-281).

emerged,<sup>9</sup> and when the group met again on 16 March 1977 in Canada's UN mission, the WCG was born (Vergau 2002a and 2006: 13, Jabri 1990: 61-63).

The original emphasis was on the formulation of a common *démarche* by the WCG, represented by their five ambassadors in Pretoria, to the South African government. Its main message was to threaten consensus with proposed 'stern action' (i.e. sanctions) in the Security Council if South Africa did not soon agree to an internationally acceptable arrangement with regard to Namibia. The *démarche* was conveyed on 7 April 1977 to South African Prime Minister Vorster. According to Vergau (2002a: 229), the German member of the WCG from 1977 to 1983,<sup>10</sup> an obviously worried Vorster agreed in principle to enter negotiations with the five on a solution of the Namibia issue. This was followed by a series of intensive rounds of meetings and negotiations within the 'Gang of Five' – as the Group was soon termed by those suspicious of the initiative – during 1977/78. Vergau emphasises that there were no chairpersons, and the task of making external presentations was undertaken on a rotating basis. Though the WCG operated from the UN missions in New York, the heads of missions did not contribute substantially to the Namibia policy emerging from the WCG, and their roles were mainly confined to organisational aspects and press conferences.<sup>11</sup>

The WCG operated outside of the UN framework as a Western initiative to seek an acceptable compromise solution among the stakeholders, South Africa, SWAPO, the frontline states (FLS; Tanzania, Botswana, Mozambique, Zambia and Angola, and from 1980 Zimbabwe), Nigeria and the UN Secretary General. Most consultations took place in New York or in Africa, and the WCG kept local groups in Namibia informed. The most critical issue was to avoid the implementation of a South African manipulated and orchestrated 'internal solution' without SWAPO. Other sensitive issues were the administration of the territory during the preparations for UN-supervised elections, and UN competence. The size of the UN personnel and

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9 At a meeting between the West German Foreign Minister Hans-Dietrich Genscher and the West German Ambassador to the United Nations in New York in mid-March 1977, Genscher instructed the delegation to support such an initiative irrespective of the outcome of the Security Council debate.

10 Nicknamed by his colleagues 'Mr Namibia', Vergau was based at the diplomatic mission of the Federal Republic of Germany to the UN in New York between 1976 and 1980, and from 1980 to 1985 was head of the Southern Africa Department in the Foreign Ministry in Bonn. Until 1990 he was an active participant in almost every stage of Western involvement. He provided helpful comments on a draft of this paper.

11 Vergau denies that Andrew Young played a substantial own part in the formation and consolidation of the group and criticizes notions suggesting an almost exclusive role of US policy under the Carter administration (Vance 1983: 272-313). There are full transcripts of all these meetings in the DFA archives.



of the remaining South African troops, the timing of their withdrawal, the bases allocated to SWAPO and the control of these, were other questions that required agreement and an accepted *modus operandi*.

Four rounds of discussions with South Africa on the one hand, and SWAPO on the other were conducted in 1977/78 and complemented by an intensive shuttle diplomacy with the neighbouring countries in southern Africa and Nigeria. This was a crucial phase of confidence-building, especially with regard to the group of African countries, who turned out to play an essential role in bringing a reluctant SWAPO (and in particular, its President) on board.<sup>12</sup> SWAPO rejected direct negotiations with the occupying colonial power, which was considered to be illegitimate. While progress was made, no decisive breakthrough was achieved. A first round of 'proximity talks' was held in February 1978 in New York to bring about the necessary concessions in separate mediations between the Foreign Ministers of the WCG and the parties. These meetings were abruptly ended by South Africa when Roelof 'Pik' Botha, the South African Foreign Minister, left New York saying he must consult with his government.<sup>13</sup> Vergau suggests that he did this not because of unacceptable demands but because SWAPO seemed willing to consider the acceptance of a compromise as a result of peer pressure from the African states. According to Vergau, the South Africans believed that the negotiations would ultimately fail because of SWAPO's refusal to accept the compromises involved, including entering into direct negotiations with the occupying power (Vergau 2002a: 231-232).

In April 1978 the WCG tabled a proposal for the solution of the Namibian situation to the chairman of the Security Council,<sup>14</sup> which South Africa agreed to, expecting that SWAPO would not consent. In its efforts to

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12 See transcripts of the discussions between the South African government and the WCG in the DFA archives in Pretoria. The quality and degree of integrity of Africa policy under US President Jimmy Carter contributed to a relatively favourable environment. Genscher's meetings with President Nyerere of Tanzania (May and August 1977, February 1978), President Kaunda from Zambia (June 1977) and with President Mugabe from Zimbabwe immediately after he came to office (April 1980) played a supportive role (cf. Vergau 2002a: 230-231). On the initiative by Genscher, and despite furious protests by his opponents in the conservative parties (cf. Brenke 1989: 119-123), the West Germans closed their consular mission in Windhoek at the end of October 1977, after SWAPO refused to attend the second round of discussions with the WCG scheduled for mid-October 1977 in the West German UN mission.

13 The talks were held in the same building but separately between the five Foreign Ministers of the WCG, the South African Foreign Minister Roelof ('Pik') Botha, the President of SWAPO, Sam Nujoma, and the group of Foreign Ministers of the FLS. For Botha's interpretation of what happened see documentation in the DFA archives. A second round of 'proximity talks' took place in March 1979.

14 Proposal for a Settlement of the Namibian Situation. UN. Doc. S/12636, 10 April 1978.

make it impossible for SWAPO to accept the proposal for a negotiated settlement, South Africa attacked the SWAPO camp at Kassinga in southern Angola on Ascension Day (4 May) 1978, perpetrating the largest single massacre in any of the liberation struggles in the region. After this, strenuous efforts had to be made to convince the FLS to persuade SWAPO to agree. Under intense pressure, the SWAPO President was persuaded in late July 1978 to announce the organisation's agreement to the proposed plan submitted by the WCG.<sup>15</sup> He did this after the Security Council had unanimously agreed, in Resolution 432 of 27 July 1978, 'to lend its full support to the initiation of steps necessary to ensure early reintegration of Walvis Bay into Namibia'. The UN therefore denied South Africa the right to continued occupation of the enclave as an integral part of South Africa, and that was sufficient to win support from SWAPO and the African states (cf. Berat 1990).

On 29 September 1978, Security Council Resolution 435 introduced the plan submitted by the WCG as the official UN position for the solution of the Namibia issue.<sup>16</sup> Due to the explicit approval of this by SWAPO, documented in a letter from its President to the Secretary General on 8 September 1978 (UN. Doc. S/12841), the two permanent members who were uneasy with the Western initiative, which they perceived to be an imperialist conspiracy in the Cold War scramble for expanded control or at least influence over the strategically important southern African region, felt unable to veto the resolution. The People's Republic of China did not attend the meeting, and the USSR (and Czechoslovakia) abstained on the resolution. Vergau (2002b: 49) points out the irony that South Africa had decided not to turn down the Western proposal because it assumed that SWAPO would find it impossible to accept the compromises and hence would be blamed for obstruction, and the Soviet Union had not objected to the Western initiative assuming that SWAPO would not accept a compromise offered by the imperialist camp. After SWAPO announced its approval of the plan, South Africa could not withdraw its assent and the Soviet Union could not object to the plan. Some eighteen months after its constitution, the WCG had achieved a way to settle the Namibia dispute via an agreed framework for a transition to independence.

Caught by surprise by SWAPO's acceptance, South Africa reacted with obstruction. The outgoing South African Prime Minister, John B. Vorster,

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15 Vergau is convinced that without the role of the FLS and Nigeria SWAPO would not have agreed to the proposed plan by the Western initiative. He believes that the influence of President Julius Nyerere and even more so of Nigerian President Olusegun Obasanjo was decisive (cf. Vergau 2002a: 232, 2002b: 49 and personal interview).

16 Documented i.a. in Dreyer (1994: 275-276).

announced that an internal election would be held in Namibia for a Constituent Assembly in December 1978. The concerned and embarrassed Foreign Ministers of the Western countries then decided to seek a direct exchange with the new South African Prime Minister P. W. Botha. In mid-October 1978 they met him and Foreign Minister Pik Botha, assisted by a team of experts, in Pretoria. David Owen suggested that the Foreign Ministers should conduct the meeting on their own without any assistance by advisers or members of the WCG, to the amusement of their South African colleagues (Vergau 2002a: 233). The US representative on the WCG at this time, Don McHenry, commented retrospectively on the disastrous result of this misguided initiative:

The Foreign Ministers did what Foreign Ministers always do: they act on the basis of very little knowledge. They do not get themselves fully briefed and are inclined to consider what staff say as bureaucratic nit-picking when in fact it often involves fundamental issues ... What you had were five Ministers and the South African team, who took them to lunch (Weiland and Braham 1994: 35).

The meeting resulted in some common ground on technical issues related to UNTAG, but to the surprise of the members of the New York-based WCG the Ministers did not categorically demand the withdrawal of the planned internal elections in Namibia.<sup>17</sup> This risked a loss of confidence and trust in the WCG by the other stakeholders to the UN Plan, SWAPO and the FLS, and it encouraged the South African side to stick to the planned elections without compromises. This should have provoked a warning of sanctions or at least a threat of ending the discussions, but the five Ministers did not respond to Botha's confrontational strategy with the necessary counter argumentation. They finally declared that they would consider the election results of December 1978 'null and void', which implied acceptance of the fact that the election would take place (Vergau 2002a: 233-234). It was obvious to the two Bothas that there was no real threat of sanctions. There was no repetition of the 'stern action' warning which one and a half years earlier had forced South Africa into the process resulting in Resolution 435.

The result was a grave lack of confidence in the ability of the 'Gang of Five' to bring about any meaningful changes paving the way to Namibian independence. Vergau comments on this turning point as follows:

There is no way to play down the role of sanctions in the initiative. The 1977 statement of stern action was a necessary condition for gaining a hearing with ... Vorster. The Contact Group did not advise the Foreign

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17 Transcript of the meeting in DFA archives.

Ministers to go to Pretoria, especially since we learnt more and more from our governments that the threat of stern action was not serious. Before the Foreign Ministers' visit we had actually worked out a text that would have strengthened this credible threat, but the Ministers had no mandate to use it. Therefore their visit was bound to fail from the start (Weiland and Braham 1994: 36).

Resolution 435, then, did not begin a process leading to a solution, but became a blueprint pending another decade. By the end of 1978 the WCG looked more of a toothless tiger than ever before. While the results of the internal elections in December 1978, boycotted by SWAPO, were recognised only by South Africa, they served as the basis for creating a platform for the internal forces allied to South Africa, who constituted themselves on the basis of the results as a Constituent and subsequently National Assembly. So the 'soft' response by the governments of the five Western countries (not identical with the view held among their representatives in the WCG) contributed to another stalemate. While international pressure remained on South Africa and SWAPO to seek a negotiated settlement via Resolution 435, and while both parties sought to appear reasonable and accommodating, and to place on the other the onus for any breakdown in the negotiations, both seemed to have written off serious negotiations, Pretoria in favour of an internal settlement, SWAPO of intensified guerrilla warfare. An internationally acceptable solution hardly seemed any closer than it had been a year before (Du Pisani 1986: 426).

Notwithstanding this setback, however, it was now common ground between the parties, due to the diplomatic efforts of the WCG that South Africa was prepared to accept the notion of a unitary independent Namibian state on the basis of general democratic elections with universal suffrage and an involvement of the UN in the transitional phase. SWAPO accepted elections as a necessary step to confirm the legitimacy of its claim to be the representative of the people. The role of a UN and a South African (even military) presence in the transitional process was confirmed, and Walvis Bay was to be treated as a separate issue and excluded from the terms of settlement. This provided the basis and framework for more negotiations aiming to reach agreement on several issues that had not been settled within the general guiding framework of Resolution 435. Prime among these were the role, size and composition of UNTAG, and where the bases of SWAPO's military wing should be in the transition period.<sup>18</sup> As SWAPO and South Africa deployed a dual track strategy of negotiating on the one hand and

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18 For the South African government's attitude to these questions see esp. minutes of the State Security Council meetings of 12 February and 12 November 1979.

acting in ways that furthered confrontation on the other, the WCG resumed its efforts to contribute to a solution by means of what were now explicitly termed 'confidence-building measures' (Vergau 2002a: 236).

Negotiations around the establishment of a de-militarised zone in Southern Angola and Northern Namibia culminated in a UN conference in Geneva in November 1979 that failed to achieve sustainable results. By 1980 there was no concrete evidence of progress on implementing Resolution 435, in part because of the successful transition under the Lancaster House Agreement to independence in Zimbabwe. UN officials believed that the outstanding issues should without any further delay be settled among the various stakeholders in direct interaction and communication. With the UN eager to pre-empt South African accusations of UN partiality by resolving all outstanding matters of dissent between the parties in face-to-face talks, a 'pre-implementation multi-party meeting' took place in January 1981 in Geneva.<sup>19</sup>

The name of this conference suggested that Resolution 435 might be implemented after some outstanding technicalities were solved. But by the time the conference took place, South Africa had made up its mind not to offer any compromises that would permit a settlement. This was after the election of Ronald Reagan as the next US President, and the unexpected results of the elections in Zimbabwe. South Africa left it to the members of their delegation representing the internal parties in Namibia, who attended as part of the South African contingent, to destroy the prospects of implementation. This became obvious at a press conference, at which the 'internal politician' Katutire Kaura from the DTA, a highly educated and articulate Herero, claimed that if it had not been for the moderating South African influence, 'they' would have solved the problem 'the African way', suggesting that SWAPO supporters would have been eliminated in Namibia if the South Africans had allowed them to do so (Melber 1981).<sup>20</sup>

The meeting provided for the first time an opportunity for the internal Namibian parties operating in alliance with South Africa to present their case internationally. These parties included the DTA, the Action Front for the Retention of Turnhalle Principles (AKTUR) and smaller political groupings. The NNF and SWAPO Democrats refused to participate, since they

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19 This initiative was mainly pursued by Brian Urquhart, UN Under-Secretary-General for Special Political Affairs, who headed a UN mission to South Africa in October 1980, which included the Under-Secretary-General for Special Political Questions (Abdulahim Farah), the Secretary General's Special Representative for Namibia (Martti Ahtisaari) and the Commander-Designate of UNTAG's military component (Indian Lieutenant-General Prem Chand).

20 Kaura has since independence been an opposition member of Parliament in the National Assembly, who occasionally shares jokes with those on the SWAPO benches.

would not be present under the South African-appointed Administrator General. One who was present remembers how members of the DTA attacked the UN and SWAPO 'with the express intention of creating an emotional and explosive situation'. This was 'certainly not conducive to the creation of a climate of confidence and understanding, the expressed purpose of the talks'. After much talk of the partiality towards SWAPO displayed by the UN, the talks ended on 13 January when the Administrator-General stated that 'in the light of the proceedings thus far, it is clear that the question raised in the report of the Secretary-General (i.e. overcoming the obstacles to progress in the form of acute mutual distrust and lack of confidence) had not been resolved. It would therefore be premature to proceed with the discussion of the setting of a date for implementation'. SWAPO emerged from the talks with considerable credit, for its President had made it clear that his party sought only an immediate cessation of hostilities and implementation of Resolution 435.<sup>21</sup>

If there was a positive side effect to this abortive conference, it was that it contributed towards a greater amount of critical sensibility by some of the smaller internal parties towards the ultimately destructive aims of South Africa and its local allies. The more liberal elements of the white (and in particular English and German speaking) communities were gradually convinced of the need to seek Namibian independence by implementation of Resolution 435. This led to the formation in 1987 of Namibia Peace Plan-435, an internal pressure-group that participated in consultations initiated by SWAPO (supported financially by the Swedish government) in June 1988 in Stockholm, and in October 1989 in Kabwe/Zambia (Dobell 1998: 84-87, Sellström 2002: 380). In 1981, however, it seemed that Resolution 435 was further from implementation than ever before. The South African government hoped that the advent of the Reagan administration would open new diplomatic avenues for settlement of the Namibian issue, perhaps even outside the framework of the UN transitional plan. It therefore sought to delay UN-supervised elections as long as possible 'in the hope that further and more aggressive military strikes against SWAPO, coupled to continued *de facto* government by the moderate Democratic Turnhalle Alliance, would turn the tide...' (Du Pisani 1986: 454).

Despite the breakdown at Geneva, negotiations continued and achieved, step-by-step, what was necessary for the eventual implementation of Resolution 435 (Vergau 2002a: 237). For Vergau, the continued negotiations

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21 Report back from the 1981 Geneva Conference by J. S. Kirkpatrick, chairman and representative of the Federal Party of Namibia, who attended the talks in the South African delegation (Namibia Peace Plan 1987: 67-68 and 69). For the South African government's confidence that the US would veto any resolution on sanctions in the Security Council see esp. State Security Council minutes, 2 February 1981.

of the WCG during 1981 and 1982, which included frequent visits to southern Africa and Nigeria, were a 'proved method' of intensive diplomacy. The achievement in July 1982 of agreed Constitutional Principles and a UN 'impartiality package'<sup>22</sup> might have been a turning point, had concentrated political pressure been applied by the Western Five. Instead, much of the 1980s was influenced by the South African-backed US demand that only a withdrawal of Cuban forces from neighbouring Angola would allow for a transition to independence in Namibia. 'Linkage' effectively translated under the given circumstances into 'blockage', and 'constructive engagement' as advocated by the Reagan administration meant that 'the United States became the defender of South African interests' (Sparks and Green 1990: 45). As a result of its disagreement with the imposition of the 'linkage' on the Namibia issue, France announced in December 1983 its suspension of membership in the WCG while emphasising its continued support for implementation of Resolution 435.<sup>23</sup>

Linkage helped delay Namibian independence for six years. Vergau (2002a: 237-38) believes that the agreements ultimately achieved in New York on 22 December 1988 between Angola and Cuba and between Angola, Cuba and South Africa, were less a result of 'linkage'-policy as of decisive changes in Soviet policy and increased external pressure, as well as the internal legitimacy crisis of the Apartheid regime. This is in sharp contrast to the view that Chester Crocker, Assistant Secretary of State for African Affairs from 1981 to 1989, 'patiently mediated an agreement' after years of 'a mutual hurting stalemate, and hence productive negotiations, had eluded the parties' (Zartman 2001: 11). In the negotiations leading to the decision to implement the plan, SWAPO was not directly involved as a signatory to the documents. Negotiations and ultimate agreements were officially confined to the Angolan, Cuban and South African governments, the parties considered to be relevant for a regionally oriented conflict solution at that time.

In its efforts to underscore its claim to have been the ultimate force of liberation through the barrel of a gun, SWAPO maintained that 'the intensification of the armed liberation struggle for the last 22 years has finally made South Africa seek a negotiated solution to Namibia's independence problem and avert a humiliating military defeat that would shatter its dreams of being the so-called regional superpower'.<sup>24</sup> In fact, the emphasis on the mili-

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22 As documented in UNSC documents S/15287 and S/20635 respectively.

23 As Vergau (2006, 80-81) insists, this was more a tactical and temporary retreat, which he calls a 'policy of the empty seat', but not a complete withdrawal from the WCG.

24 *The Combatant*, 10, 5 (1988): 7. This was the last issue of the organ of the People's Liberation Army of Namibia (PLAN), which for ten years published news from the battlefield on a regular basis.

tary dimension attached to the liberation struggle almost derailed the final transition to independence. Following 1 April 1989, the day of the implementation of United Nations Security Council Resolution 435 (1978), over three hundred SWAPO combatants gathered in Northern Namibia were massacred, many of them in cold blood, by South African troops in spite of the ceasefire agreement.<sup>25</sup> A crisis meeting was held at Mount Etjo, north of Windhoek, at which a solution was agreed. This signalled once again that the implementation of a process of decolonisation in Namibia was as much the responsibility of regional and international actors as it was the decision of the direct opponents.<sup>26</sup>

## Conflict mediation in the Namibian case

For the WCG's efforts to achieve a negotiated settlement between the parties in conflict between 1977/78 and 1982 the term 'coalition intermediary' seems valid. As Jabri points out, third parties taking up the intermediary role may be *interested* in the substantive content of the conflict and may even be biased towards one of the parties. The primary aim of an intermediary is finding a way to settle the conflict acceptable to all parties. In pursuance of that goal, the WCG adopted 'tactics primarily at the bargaining end of the spectrum', but also used threat and reward tactics to gain concessions. By making 'linkage' a precondition for the implementation of Resolution 435, it used the intermediary role to promote its own interests (Jabri 1990: 9-10, 174-56). But coalition mediation as an intervention had a different meaning and purpose after 1982, when all essential pieces for implementation of Resolution 435 were effectively in place. The United States became dominant in the process and the US-motivated 'linkage' was clearly not based on consensus in the WCG. While Crocker essentially ignored SWAPO, the West German government maintained contact with it, and tried to mediate between it and the United States. Genscher's support for a solution under the originally defined framework motivated him, for example, to promote contact between

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25 Only the Kassinga massacre took a higher toll of Namibian lives as a single event in SWAPO's struggle for the independence of Namibia. For an unashamedly biased pro-South African description of the events see Stiff (1989); for a more objective account see Lamb (1992: 135-144). We will address this episode in detail in another paper, which will highlight the ambiguities reflected in this tragedy, which did not leave anyone 'innocent' except the killed combatants.

26 The Mount Etjo Declaration of 9 April 1989 is reproduced in Dreyer (1994: 284-286). The United States, the Soviet Union, South Africa, Cuba, Angola and the other frontline states all participated in the meeting, but notably not SWAPO (see also Vergau 2006: 86-89).



SWAPO and the German speaking community in Namibia, a valuable confidence-building measure.<sup>27</sup> As Jabri says,

the European members of the Contact Group became primarily mediators between the United States administration and the parties directly involved in the conflict. [...] The lack of consultation between group members meant that the Contact Group had essentially ceased to function as a collective mediator by the end of 1982 and into 1983. As such, later negotiations which finally led to agreement on the linkage issue were primarily a result of Chester Crocker's activity as opposed of being the outcome of the mediation led by the WCG (Jabri 1993: 68-69).

'Linkage' almost derailed a process of mediation through a method of mitigating the concerns by an intermediary who is not party to the conflict: the intermediary serves as both a buffer and a bridge between the antagonists, ameliorating the anger and suspicion that prevent them from addressing, in a co-operative manner, the substantive issues in dispute. The parties' common trust in the mediator offsets their mutual distrust and raises their confidence in negotiations. As has been suggested on the basis of the political settlement in South Africa,

the importance of having negotiators who can negotiate both general principles and detailed implementation cannot be emphasized enough. Negotiating teams should be made up of both 'technicians' and 'diplomats'. 'Diplomats' are negotiators who have a special capacity to secure broad agreement on matters of principle. The problem of 'diplomats', though, is that they are often not the appropriate people to hold the ground won in negotiations on matters of principle. Ultimately, it is details that ground an agreement and secure its implementation (Haysom 2002: 36).<sup>28</sup>

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27 This was done mainly through the *Interessengemeinschaft Deutschsprachiger Südwestler* (cf. Vergau 2006: 81-83). Genscher's commitment to Resolution 435 was harshly criticised by the more conservative coalition partners in the FRG government (in particular Franz Josef Strauss, leader of the Bavarian CSU) and by some German-speaking 'South-Westlers'. Hadino Hishongwa, SWAPO representative for the Nordic countries, West Germany and Austria in the late 1970s and early 1980s, called Genscher 'a good man. He was able to meet and discuss with me. First privately and later – I think that it was in 1980-81 – we finally discussed officially. His interest was to connect German citizens in Namibia with SWAPO. He realized that the support to DTA and other elements was not to bear fruit. Genscher was really generous' (Sellström 1999: 69). Genscher is the only WCG politician to have had a street named after him in Namibia: Hans Dietrich Genscher Street runs past parts of the former township and SWAPO headquarters.

28 Vergau repeatedly emphasized a similar view in the interview with him, according to which the politicians were at times more part of the problem (as 'unguided missiles') than contributing to its solution.

The Namibian case is used by I. W. Zartman and others as an example for the 'notion of ripeness' in regard to negotiations. Zartman follows rather uncritically Chester Crocker's account to substantiate his view (Zartman 2001: 8-18, Crocker 1992) and does not consider if 'ripeness' might have been applicable at a much earlier moment in time, in this case, say, prior to the introduction of 'linkage'. As we have tried to suggest, the compromising attitude of the WCG (or actually its governments' foreign policy preferences as represented by the ministerial level) *vis-à-vis* South Africa encouraged the Botha government to pursue a double track strategy and allowed it to play for time by applying delaying tactics again and again. After an initial period of coercion (to commit South Africa at least formally to negotiations over the independence of Namibia to avoid 'stern action'), the 'carrot and stick' method did not work, because the stick was abandoned by late 1978. How confidence-building could have fulfilled a more constructive function remains speculative, however, for given the character and nature of South African politics of the time, it is doubtful whether any non-coercive mediation would have achieved more compromises.<sup>29</sup>

Laurie Nathan has defined mediation as a process of dialogue and negotiation in which a third party helps disputants, with their consent, to manage or resolve conflict. Through confidence-building measures, the mediator facilitates dialogue and joint problem solving, and does not pressure the disputants to reach a settlement. On the other hand, state mediators 'focus more on solutions than process. They endeavour to win the parties' consent to their proposals and press for rapid results. The most extreme version of this approach entails the applications of sanctions or military force.' (Nathan 1999: 3, 12) In the Namibian case, however, it is doubtful that South Africa could have been forced to compromise in the early 1980s by either the threat of sanctions or the application of sanctions if it had not complied.

The way Namibia was decolonised did help promote a process of controlled change in South Africa itself. Had Resolution 435 been implemented earlier, this might not have been the case. By the time President de Klerk delivered his February 1990 speech, he knew that the Namibian transition had produced a result that his government could live with, that Namibia would have a liberal democratic constitution that would provide guarantees for minorities, and that there would not be a mass exodus of whites to South Africa. If the Namibian transition had become unstuck, he would not have acted so boldly, signalling a readiness to negotiate a new democratic order (Saunders 2001: 7). The lesson drawn by the South African government, once

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29 On the other hand, SWAPO managed to considerably strengthen its image among some WCG members (cf. Green 1995: 211, also Vergau 2006).

the UN Special Representative permitted South African troops to act against the combatants in April 1989, was that the international community would be likely to be even-handed in relation to future change in South Africa itself.

## Mediation style and strategy

The Namibian example provides evidence for the argument that the process of decolonisation was first and foremost a case of power brokerage, with partial elements of confidence-building. This had several negative consequences, which can be summarised with explicit reference to the propositions presented by Nathan, which we now relate to the Namibian case.

Firstly, the UN as a multinational body is vulnerable to partisan interests articulated within its structures and operations. Differing interests can impede mediation efforts, especially if these are guided by and a result of decisions by its member states in the General Assembly and – more importantly – the Security Council. If the UN is a diplomatic arena in which the conflict is played out in an adversarial fashion, decisive initiative and action is limited, and the danger of paralysis by divisions enhanced. The formal or informal veto of a permanent member state of the Security Council can block a rigorous pursuance of a certain course. The existence of disparate interests within the mediating body can be exploited by the different parties in the conflict for their own interests and can consequently contribute to an exacerbation of the conflict.

Secondly, any sign of bias by a mediating agency adds to the lack of confidence and strengthens the refusal to cooperate with the mediator. The South African government and its local allies in Namibia resented the UN's claim of being an impartial body, on the grounds, among others, that the General Assembly had passed a series of resolutions perceived to be in favour of SWAPO and culminating in the recognition of the liberation movement as the exclusive agency of the Namibian people. On the other hand, the WCG was originally perceived by SWAPO not as a legitimate UN initiative, but a diplomatic manoeuvre to maintain the group's particular interests, which were considered to be close to those of the South African government.

Thirdly, any sign of partisan support by a mediating agency for one of the parties encourages that party's tendency towards non-cooperation. Its intransigence grows with the power of the allied actor within the mediating agency. US policy under the Reagan administration represented South African interests in a way that encouraged South Africa non-compliance with the overall expectations created by the WCG on behalf of the UN. This resulted in a considerable delay in the implementation of a process agreed upon in principle.

Fourthly, the direct parties in the conflict ought to own the settlement and need to be directly involved at all stages. Otherwise the lack of clarity and the missing degree of ownership in agreements, which are shaped for but not necessarily embraced by the disputants, might contribute to grave misunderstandings with serious consequences, including the risk of being breached. SWAPO was not a signatory to the protocols concluded in 1988, paving the way for the implementation of Resolution 435 (1978). The incursion into Namibian territory immediately before the Peace Plan became effective – which threatened to derail the transitional process before it had really started – was at least to a certain degree the disastrous consequence of keeping one party in the conflict to some extent ignorant (or able to claim ignorance) of developments.

Could a stronger confidence-building approach to mediation or greater coercive pressure have been more successful? Was the long delay in reaching a settlement mainly the responsibility of the mediators? Although, as in most cases, the lack of success was at different stages attributable to different parties involved, the ultimate responsibility must lie with the South African government for its refusal to agree to the implementation of Resolution 435. What can be asserted with some degree of confidence is that mediation required as a necessary pre-requisite the parties' consent and acceptance of the mediators. As a result of the earlier negotiations, UNTAG succeeded because the basic elements of 'host-state consent' and prior commitments by the parties to the maintenance of a peace they had already established were fully present. In this setting the purpose of a UN presence is clearly prescribed and fairly easily carried through – even when its role is as complex and multifunctional as it was in Namibia (Macqueen 2002: 121). In such ways, the Namibian example may have lessons for other cases of conflict mediation.

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## Zusammenfassung

In Namibia wurde ein langwieriger Konflikt erfolgreich durch einen Vermittlungsprozess gelöst, der die Möglichkeit eröffnete, dass eine faktische Kolonie durch eine international überwachte Wahl zu einem souveränen Staat werden konnte. Die Autoren des vorliegenden Beitrags betrachten das wechselseitige Verhältnis zwischen dem Vermittlungsprozess und der Dekolonisation in diesem speziellen Fall, der zwar in vielerlei Hinsicht Besonderheiten aufweist, aber dennoch einige generelle Schlussfolgerungen zulässt. Sie vermitteln die fallweise Anwendung vertrauensbildender Maßnahmen, die unterschiedlichen Methoden von Vermittlergruppen, Druck auszuüben, und wie wichtig es war, dass alle beteiligten Konfliktparteien den Verlauf als von ihnen selbst bestimmt ansehen konnten.

## **Schlüsselwörter**

*Namibia, Unabhängigkeit, Konfliktmediation, Dekolonisation*

## **Résumé**

Le long conflit en Namibie a été résolu grâce à une médiation réussie qui a permis à une colonie de fait de devenir un Etat souverain via des élections soumises à un contrôle international. Les auteurs de cet article analysent la relation entre médiation du conflit et décolonisation dans ce cas particulier qui, bien que contenant de nombreuses spécificités, permet néanmoins de tirer des conclusions générales. Les auteurs montrent comment des mesures de rétablissement de la confiance ont été appliquées, étudient les différentes méthodes utilisées par les médiateurs pour faire pression et soulignent combien il a été important que toutes les parties du conflit puissent s'approprier le processus de résolution du conflit.

## **Mots clés**

*Namibie, indépendance, médiation de conflit, décolonisation*

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